

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

VS.

CRIMINAL NO. 3:16CR51-HTW-FKB

TERESA K. MALONE

DEFENDANT

MOTION FOR CONTINUANCE

COMES NOW the Defendant, Teresa K. Malone, by and through counsel, and moves the Court pursuant to Rule 45 of the Federal Rules of Criminal Procedure for an order continuing the trial, and related pre-trial deadlines, currently scheduled in the above-styled cause, and in support thereof would show unto the Court the following:

1. The trial in this cause is currently scheduled for January 9, 2017, in Jackson, Mississippi.
2. Undersigned Counsel would show that Defendant had to undergo a double lung transplant and thereafter developed Bronchiolitis Obliterans Syndrome (BOS);
3. Due to Defendant's battle with BOS, which is the leading cause of death in transplant patients, she is currently under the care of Dr. Reinaldo Rampolla;
4. Defendant's BOS will be treated by Extra-Corporeal Photopheresis (ECP) at a rate of two (2) treatments per week and eventually weaning down to one (1) treatment per month;
5. Defendant's treatment will begin once she undergoes the placement of a catheter which is necessary vehicle for the treatments to be administered;
6. These ECP treatments will be administered no less than six (6) months;
7. That attached hereto as "Exhibit A" is a letter from Defendant's doctor further explaining this treatment and that his recommendation is that she undergoes the ECP therapy;
8. That the Government does not object to this request for a continuance; and

9. This motion is filed, not for the purpose of delay, but so that justice may be done.

REQUESTED RELIEF

Based on the grounds set forth above, Defendant, Teresa K. Malone, respectfully requests an Order continuing the trial scheduled in this cause and extending the related pre-trial motion deadlines until further order of the Court.

Respectfully submitted, this the 6th day of December, 2016.

TERESA K. MALONE, Defendant

By: /s/James R. Franks, Jr.
JAMES R. FRANKS, JR. MSBN 100156
Counsel for Defendant

OF COUNSEL:

WHEELER & FRANKS LAW FIRM, P.C.
P.O. Box 681
Tupelo, MS 38802
Tel: (662) 842-0380
Fax: (662) 842-7491



December 6, 2016

Dear Mr. Frank,

As per our previous communication, Mrs. Malone suffers from Bronchiolitis Obliterans Syndrome (BOS). BOS is the most common cause of death twelve months after lung transplantation. Etiology is multi factorial. In her case her strongest risk factor was her refractory acute rejection.

There is no proven therapy for BOS. I have offered extra-corporeal photopheresis (ECP) which is the therapeutic option we use for BOS at Ochsner. This therapy will require her to come to Ochsner twice a week initially and it will eventually will be once a month. The therapy lasts six months and it is contingent on her insurance approving this therapy. She needs a catheter placed by surgery before the treatment starts.

I cannot ascertain how her legal proceedings will affect her health. My recommendation as her physician is that she undergoes ECP.

Please, do not hesitate to contact me if there is more information you need.

Sincerely,

A handwritten signature in black ink, appearing to read "Rampolla".

Reinaldo Rampolla, MD
Pulmonary/Critical Care Medicine
Medical Director of Lung Transplantation
Ochsner Clinic Foundation Multi Organ Transplant Institute
1514 Jefferson Highway
New Orleans, LA 70121
504-256-0117

Ochsner Multi-Organ Transplant Institute, a part of Ochsner Clinic Foundation

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CERTIFICATE OF SERVICE

I, James R. Franks, Jr., do hereby certify that I have this day filed via MEC the foregoing *Motion for Continuance* which has sent a copy via email to:

Darren J. LaMarca, Esq.
Office of the U.S. Attorney
501 E. Court Street, Ste. 4.430
Jackson, MS 39201-5025

This the 6th day of December, 2016.

/s/James R. Franks, Jr.
JAMES R. FRANKS, JR.